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43307	7590	11/01/2006	EXAMINER	
IBM CORP (AP)				DUONG, OANH L
C/O AMY PATTILLO				ART UNIT
P. O. BOX 161327				PAPER NUMBER
AUSTIN, TX 78716				2155

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/042,491	BROWN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Oanh Duong	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12/20/2005 & 05/17/2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-30 have been amended.

### *Claim Objections*

2. Claim 27 is objected to because of the following informalities:

One claim cannot have more than one period. The “.” at the end of line 15 should be removed. The feature “; and” at the end of line 15 in claim 27 is omitted from the claim 27. If applicant intends to remove this feature, the “; and” should be remain in the claim (see 37 CFR 1.121).

Appropriate correction is required.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 12-18 and 29-are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 12 and 29 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 14, lines 25-26, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., a floppy disk, hard disc) and intangible embodiments (e.g., a carrier wave). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

To overcome this type of 101 rejection, the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 7, 8, 12, 13, 15, 16, 19, 20, 22, 24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being obvious over Huat, US 2002/0133565, in view of Beranek, US 6,886,013 B1.

The applied reference (i.e., Beranek) has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37

CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Regarding claim 1, Huat teaches a method for rendering a document (*i.e., web document/page*) on a display utilizing a view program (*i.e., web browser 114*) running on a computer system (*i.e., client computer 102*) [Fig. 1], comprising:

receiving primary content of the document to be displayed (*page 3 paragraph [0034]: Huat discloses a web page is downloaded to client device*);

identifying secondary content (*i.e., intermediate message*) to be displayed in conjunction with the primary content (*i.e., identifying and displaying intermediate message in clear space of a displayed web page, page 4 paragraph [0039]*);

determining whether this is available white space within the primary content, when display within a displayed area, to accommodate the secondary content (*page 4 paragraph [0042]: Huat teaches it is determined whether an adequate clear space exists for displaying an intermediate message (*i.e., secondary content*)*);

embedding the secondary content in the available white space if it is determined

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that there is available white space to accommodate the secondary content (i.e., if a clear space area exists, an intermediate message is displayed in this area, page 4 paragraph [0042]); and

responsive to determining the white space is not available (i.e., if it is determined that clear space is not available, page 4 paragraph [0043]), it waits for a change in the active window or web page that may create the availability for clear space within the window (page 4 paragraph [0043]).

Huat does not explicitly teach reflowing the primary content to form suitable white space in the displayed area and embedding the secondary content in the suitable white space formed

Beranek teaches method of controlling how a Web document is presented for display on a browser (seen in abstract), Beranek teaches reflowing the primary content to form suitable white space in the displayed area and embedding the secondary content in the suitable white space formed (col. 13 lines 41-44: *Beranek discloses a Web document (i.e., primary content) is reflowed to make available space for displaying other content such as advertising.*)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the step of reflowing the primary content (i.e., web document) as taught by Beranek in responding to determining the white space is not available as in Huat. One would be motivated to do so to provide the system with enhanced display presentation capability (Beranek, col. 2 lines 45-47).

Regarding claim 2, Huat teaches the method of claim 1 further comprising:  
receiving a user action to change a portion of the primary content currently  
display in the displayed area (*i.e., scrolling of a web page within the display area, page  
4 paragraph [0043]*);

determining whether there is available white space within the portion of primary  
content currently displayed in the displayed area to accommodate the secondary  
content (*page 4 paragraph [0042]: Huat teaches it is determined whether an adequate  
clear space exists for displaying a intermediate message (i.e., secondary content)*); and  
embedding the secondary content in the available white space if it is determined  
that there is available white space to accommodate the secondary content (*i.e., if a  
clear space area exists, an intermediate message is displayed in this area, page 4  
paragraph [0042]*); and

*responsive to determining the white space is not available (i.e., if it is determined  
that clear space is not available, page 4 paragraph [0043]), it waits for a change in the  
active window or web page that may create the availability for clear space within the  
window (page 4 paragraph [0043]).*

Huat does not explicitly teach reflowing the primary content to form suitable white  
space in the displayed area and embedding the secondary content in the suitable white  
space formed

Beranek teaches method of controlling how a Web document is presented for  
display on a browser (seen in abstract), Beranek teaches reflowing the primary content  
to form suitable white space in the displayed area and embedding the secondary

content in the suitable white space formed (*col. 13 lines 41-44: Beranek discloses a Web document (i.e., primary content) is reflowed to make available space for displaying other content such as advertising).*

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the step of reflowing the primary content (i.e., web document) as taught by Beranek in the process of creating the availability for clear space within the web page as in Huat. One would be motivated to do so to provide the system with enhanced display presentation capability (Beranek, col. 2 lines 45-47).

Regarding claim 3, Huat teaches the user actions comprises at least one of a resizing of the displayed area and a scrolling of the primary content (*i.e., scrolling of a web page within the display area, page 4 paragraph [0043]*);

Regarding claim 4, Huat teaches the method of claim 1 wherein the white space is a background to the primary content (*i.e., such clear space could comprise plain white background or constant color background, page 4 paragraph [0041]*).

Regarding claim 7, Huat teaches the method of claim 1 wherein identifying secondary content comprises generating a viewer object containing the secondary content (*i.e., the intermediate message (i.e., secondary content) display can be displayed in an HTML frame that can display graphics or other type of data, page 5 paragraph [0052]*).

Regarding claim 8, the method of claim 1 further comprising automatically resizing the secondary content to fill the determined white space (*i.e., “the shape of the message boundary area may be altered to fit different shape clear spaces that may be available”, page 5 paragraph [0048]*).

Regarding claims 12 and 13, these claims recite a computer program, on a computer usable medium, having program code means for performing method claims 1 and 2, discussed above, same rationale of rejection is applicable.

Regarding claims 15 and 16, these claims recite a computer program, on a computer usable medium, having program code means for performing method claims 7 and 8, discussed above, same rationale of rejection is applicable.

Regarding claim 19, this claim recites a computer system for performing a corresponding method claim 1, discussed above, same rationale of rejection is applicable.

Regarding claim 20, this claim recites a computer system for performing a corresponding method claim 2, discussed above, same rationale of rejection is applicable.

Regarding claim 22, this claim recites a computer system for performing a corresponding method claim 7, discussed above, same rationale of rejection is applicable.

Regarding claim 24, this claim recites a computer system for performing a corresponding method claim 8, discussed above, same rationale of rejection is applicable.

Regarding claim 26, Huat teaches a method for rendering a document (*i.e., web document/page*) on a display utilizing a view program (*i.e., web browser 114*) running on a computer system (*i.e., client computer 102*) [Fig. 1], comprising:

receiving primary content of the document to be displayed (*page 3 paragraph [0034]: Huat discloses a web page is downloaded to client device*);

identifying secondary content (*i.e., intermediate message*) to be displayed in conjunction with the primary content (*i.e., identifying and displaying intermediate message in clear space of a displayed web page, page 4 paragraph [0039]*);

determining whether this is available white space within the primary content, when display within a displayed area, to accommodate the secondary content (*page 4 paragraph [0042]: Huat teaches it is determined whether an adequate clear space exists for displaying an intermediate message (*i.e., secondary content*)*);

embedding the secondary content in the available white space if it is determined

that there is available white space to accommodate the secondary content (i.e., if a clear space area exists, an intermediate message is displayed in this area, page 4 paragraph [0042]); and

responsive to determining the white space is not available (i.e., if it is determined that clear space is not available, page 4 paragraph [0043]), it waits for a change in the active window or web page that may create the availability for clear space within the window (page 4 paragraph [0043]); and; and sending the document with the embedded secondary content to the client for display (page 5 paragraph [0051]).

Huat does not explicitly teach reflowing the primary content to form suitable white space in the displayed area and embedding the secondary content in the suitable white space formed.

Beranek teaches method of controlling how a Web document is presented for display on a browser (seen in abstract), Beranek teaches reflowing the primary content to form suitable white space in the displayed area and embedding the secondary content in the suitable white space formed (col. 13 lines 41-44: *Beranek discloses a Web document (i.e., primary content) is reflowed to make available space for displaying other content such as advertising.*

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the step of reflowing the primary content (i.e., web document) as taught by Beranek in the process of creating the availability for clear space within the web page as in Huat. One would be motivated to do so to provide the system with enhanced display presentation capability (Beranek, col. 2 lines 45-47).

Regarding claim 27, this claim recites a computer system that performs a corresponding method claim 26, discussed above, same rationale of rejection is applicable.

6. Claims 5, 15, and 21 are rejected under 35 U.S.C. 103(a) as being obvious over Huat, US 2002/0133565, in view of Beranek, US 6,886,013 B1, and further in view of Porter.

Regarding claim 5, Huat teaches the method of claim 1.

the combination of Huat and Beranek does not explicitly teach identifying secondary content comprises receiving a designation associated with receiving secondary content indicating that the secondary content is to be persistently displayed within white space within displayed area unless of a user action of at least one of adjusting the portion of the primary content currently displayed within the display area and adjusting a size o said displayed area.

Porter teaches a system wherein a persistently visible display of content including advertisements is provided (seen in abstract). Porter teaches identifying secondary content comprises receiving a designation associated with receiving secondary content indicating that the secondary content is to be persistently displayed within white space within displayed area unless of a user action of at least one of adjusting the portion of the primary content currently displayed within the display area and adjusting a size of said displayed area (i.e., by virtue of the browser's exclusive use

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of its assigned display area 506b or 506c, the advertisement rendered are persistently visible, independent of changes in the shared displayed area 504, Fig. 5 page 4 paragraph [0037].

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Huat and Beranek to identify secondary content comprises receive a designation associated with receiving secondary content indicating that the secondary content is to be persistently displayed within white space within displayed area unless of a user action of at least one of adjusting the portion of the primary content currently displayed within the display area and adjusting a size of said displayed area as taught by Porter. One would be motivated to do so to overcome the prior art disadvantage of losing visibility to some of the rendered contents such as banner advertisement (Porter, page 2 paragraph [0019]).

Regarding claim 15, this claim recites the computer program that performs the method claim 5, same rationale of rejection is applicable.

Regarding claim 21, this claim recites a computer system for performing a corresponding method claim 5, discussed above, same rationale of rejection is applicable.

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7. Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being obvious over Huat, US 2002/0133565, in view of Beranek, Porter, and Shema et al. (hereafter, Shema), US 2002/0194190 A1.

Regarding claim 6, Huat teaches the method of claim 5.

The combination of teachings of Huat, Beranek, and Porter does not explicitly teach retrieving the designation from a database accessible to the viewer program.

Shema teaches retrieving the designation from a database accessible to the viewer program (page 7 paragraph [0051]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Huat, Beranek and Porter to retrieve the designation from a database accessible to the viewer program as taught by Shema.

One would be motivated to do so to efficiently retrieve the database information regarding a designation associated with the secondary content.

Regarding claim 23, this claim recites a computer system for performing a corresponding method claim 6, discussed above, same rationale of rejection is applicable.

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8. Claims 9, 18, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huat in view of Beranek, and further in view of Mitchell et al. (hereafter, Mitchell), US 6,983,331 B1.

Regarding claim 9, Huat teaches the method of claim 1 wherein the step of determining whether there is available white space (page 4 paragraph [0042]).

the combination of teachings of Huat and Beranek does not explicitly teach determining the areas of the data elements in the document used through a Document Object Model Interface.

Mitchell teaches determining the areas of the data elements in the document used through a Document Object Model Interface (col. 12 lines 12-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Huat and Beranek to determine the areas of the data elements in the document used through a Document Object Model Interface as taught by Mitchell. One would be motivated to do so to maximize the use of the available display area (Mitchell, col. 4 line 21-22).

Regarding claim 18, this claim recites a computer program for performing method claim 9, same rationale of rejection is applicable.

Regarding claim 25, this claim recites a computer system for performing a corresponding method claim 9, discussed above, same rationale of rejection is applicable.

9. Claims 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huat in view of Beranek, and further in view of Applicant Admitted Prior Art (AAPA).

Regarding claim 10, Huat teaches the method of claim 1.

the combination of Huat and Beranek does not explicitly teach reflowing the primary content comprises making changes to the document Object Model tree and reflowing the document according to the changes (i.e., the browser reflows the document according to the change made to the DOM tree as the reflowed document is rendered to the display, page 4 lines 6-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention modify the teachings of Huat and Beranek to make changes to the document Object Model tree and reflowing the document according to the changes as in APA. One would be motivated to do so to allow programs and scripts to dynamically access and update the content, structure and style of the document.

10. Claims 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huat in view of Beranek, and further in view of Ballard (US 6,182,050 b1).

Regarding claim 11, Huat teaches the method of claim 1 wherein identifying secondary content to be displayed in conjunction with the primary content (page 4 paragraph [0039]).

the combination of Huat and Beranek does not explicitly teach identifying secondary content having a time based designation for causing at least one of i) an alternating of the display of the secondary content with other designated secondary content in a same white space, and ii) a displaying of the identified secondary content in the white space for only the time period specified.

Ballard teaches system and method wherein matching between advertisement and target consumer is achieved (see abstract). Ballard teaches identifying secondary content having a time based designation for causing at least one of i) an alternating of the display of the secondary content with other designated secondary content in a same white space, and ii) a displaying of the identified secondary content in the white space for only the time period specified (col. 13 lines 7-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Huat and Beranek to display the second content in the white space for only the time period specified as in Ballard. One would be motivated to do so to allow advertiser to be able to reach target consumers within a system which protects consumer privacy (Ballard, col. 1 lines 58-60)

Claim 17, this claim does not recite or define any new limitation above claim 11, same rationale of rejection is applicable.

11. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huat in view of Landsman et al. (hereinafter, Landsman), US 6,687,737 B2.

Regarding claim 28, Huat teaches a method for rendering a document (*i.e.*, web document/page) on a display utilizing a view program (*i.e.*, web browser 114) running on a computer system (*i.e.*, client computer 102) [Fig. 1], comprising:

receiving primary content of the document to be displayed (*page 3 paragraph [0034]*: *Huat discloses a web page is downloaded to client device*);

identifying secondary content (*i.e.*, intermediate message) to be displayed in conjunction with the primary content (*i.e.*, *identifying and displaying intermediate message in clear space of a displayed web page, page 4 paragraph [0039]*);

determining whether this is available white space within the primary content, when display within a displayed area, to accommodate the secondary content (*page 4 paragraph [0042]*: *Huat teaches it is determined whether an adequate clear space exists for displaying an intermediate message (i.e., secondary content)*);

embedding the secondary content in the available white space if it is determined that there is available white space to accommodate the secondary content (*i.e.*, *if a clear space area exists, an intermediate message is displayed in this area, page 4 paragraph [0042]*); and

responsive to determining the white space is not available (*i.e.*, *if it is determined that clear space is not available, page 4 paragraph [0043]*), it waits for a change in the

active window or web page that may create the availability for clear space within the window (page 4 paragraph [0043]).

Huat does not explicitly teach overlaying the secondary content over a portion of the primary content for a period of time.

Landsman, in the same field of endeavor, teaches overlaying the secondary content over a portion of the primary content for a period of time (i.e., pops up a display window in the browser, for a predetermined period of time, and presents the advertisements in the window, col. 32 lines 23-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate the step of overlaying the secondary content over a portion of the primary content for a period of time as taught by Landsman in response to determining the white space is not available as in Huat. One would be motivated to do so to substantially reduce the burden, time and cost associated with maintaining and updating web-based advertising over that conventionally required (Landsman, col. 14 line 1-5).

Regarding claim 29, this claim recites a computer program on a computer usable medium having computer readable program code means for performing a corresponding method claim 28, discussed above, same rationale of rejection is applicable.

Regarding claim 30, this claim recites a computer system that performs a corresponding method claim 28, discussed above, same rationale of rejection is applicable.

***Response to Arguments***

12. Applicant's arguments with respect to claims 1-30 are have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

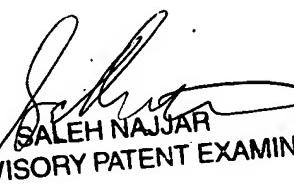
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

O.D  
October 23, 2006

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER